

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # _____

United States of America

USCA NO. 08-3834-CK

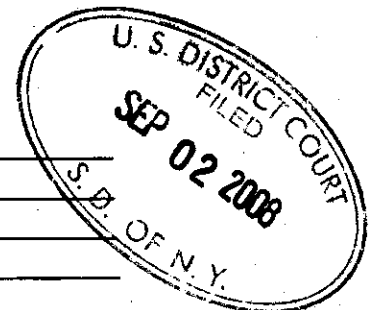
-v-

SDNY NO. 07-CR-1064
JUDGE: Koelt L
DATE: 9/2/08

Abu Tahiro

INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS _____ DOC# _____

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 2 Day of Sept, 2008.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

United States of America

U.S.C.A. # 08-3834-cr

U.S.D.C. # 07-cr-1064

-v-

JUDGE: KoeHL

Abu

Tahiru

DATE: 9/12/08

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 21, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2 Day of Sept In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By



Deputy Clerk

APPEAL, CLOSED, ECF, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-01064-JGK-1
Internal Use Only

Case title: USA v. Tahiru
Magistrate judge case number: 1:07-mj-01602-UA

Date Filed: 11/26/2007
Date Terminated: 07/07/2008

Date Filed	#	Docket Text
09/26/2007	<u>1</u>	COMPLAINT as to Abu Bakari Tahiru (1) in violation of 18 U.S.C. 1029(a)(2) and 1028(a)(7). (Signed by Judge Theodore H. Katz) (gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
09/26/2007		Arrest of Abu Bakari Tahiru. (gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
09/26/2007	<u>2</u>	CJA 23 Financial Affidavit by Abu Bakari Tahiru. Appointed Peter Tsapatsaris. (Signed by Judge Theodore H. Katz) (gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
09/26/2007	<u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Abu Bakari Tahiru. Peter Nicholas Tsapatsaris for Abu Bakari Tahiru appointed. (Signed by Judge Theodore H. Katz on 10/26/2007)(gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
09/26/2007	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE: Peter Nicholas Tsapatsaris appearing for Abu Bakari Tahiru. (gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
09/26/2007		Minute Entry for proceedings held before Judge Theodore H. Katz :Initial Appearance as to Abu Bakari Tahiru held on 9/26/2007. Deft appears with Federal Defender atty Peter Tsapatsaris. AUSA Carrie Cohen present for the gov't. Detention on consent without prejudice. Preliminary Examination set for 10/26/2007 at 10:00 AM before Judge Unassigned. (gq) [1:07-mj-01602-UA] (Entered: 09/27/2007)
10/26/2007	<u>5</u>	AFFIRMATION of Carrie H. Cohen in Support by USA requesting a 30-day continuance from 10/26/2007 to 11/26/2007 as to Abu Bakari Tahiru. (aba) [1:07-mj-01602-UA] (Entered: 10/29/2007)
10/26/2007	<u>6</u>	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Abu Bakari Tahiru. Time excluded from 10/26/2007 until 11/26/2007.. (Signed by Judge Kevin Nathaniel Fox on 10/26/2007)(aba) [1:07-mj-01602-UA] (Entered: 10/29/2007)
11/26/2007	<u>7</u>	INDICTMENT FILED as to Abu Bakari Tahiru (1) count(s) 1, 2. (jm) (Entered: 11/27/2007)
11/26/2007		Case Designated ECF as to Abu Bakari Tahiru. (jm) (Entered: 11/27/2007)
11/29/2007	<u>8</u>	THE SPEEDY ORDER as to Abu Bakari Tahiru. The parties are directed to appear for a conference on 12/4/2007 at 11:00 a.m. Time excluded, from 11/28/2007 until 12/4/2007, from Speedy Trial Act calculations. (Signed by Judge John G. Koeltl on 11/28/2007) (jar) (Entered: 11/29/2007)
11/29/2007	<u>9</u>	SPEEDY TRIAL ORDER as to Abu Bakari Tahiru. Time excluded from 11/28/07 until 12/4/07. The parties are directed to appear for a conference on 12/4/07 @ 11am. So Ordered. (See attache order for full text) (Signed by Judge John G. Koeltl on 11/28/07)(pr) (Entered: 11/30/2007)
11/29/2007		Set/Reset Hearings as to Abu Bakari Tahiru: Pretrial Conference set for 12/4/2007 at 11:00 AM before Judge John G. Koeltl.. (pr) (Entered: 11/30/2007)
12/05/2007	<u>10</u>	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT; Time excluded from 12/4/07 until 1/18/08. The parties are directed to appear for a conference on January 18, 2008 at 3:00pm. Because an adjournment is needed to allow the government to take discovery and the defendant to review it, and for the defendant to determine what motions, if any, to make, and to assure the effective assistance of counsel, the Court prospectively excludes the time from today, December 4, 2007 until January 18, 2008 from Speedy Trial Act calculations. This Order is entered pursuant to 18 USC 3161(h)(8)(A). (Signed by Judge John G. Koeltl on 12/4/07)(jw) (Entered: 12/06/2007)
01/23/2008	<u>11</u>	SPEEDY TRIAL ORDER as to Abu Bakari Tahiru. Time excluded from 1/17/08 until 2/15/08. (Pretrial Conference set for 2/15/2008 at 03:00 PM before Judge John G. Koeltl.), So Ordered, (see attached order for full text). (Signed by Judge John G. Koeltl on 1/17/08)(pr) (Entered: 01/23/2008)
02/19/2008	<u>12</u>	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Abu Bakari Tahiru. Time excluded from 2/15/08 until 3/7/08 as to Abu Bakari Tahiru(Pretrial Conference set for 3/7/2008 at 03:00 PM before Judge John G. Koeltl.)The parties are directed to appear for a conference on Friday, March 7, 2008 at 3:00pm before the Honorable John G. Koeltl. (Signed by Judge John G. Koeltl on 2/15/08)(jw) (Entered: 02/19/2008)
03/06/2008	<u>13</u>	SPEEDY TRIAL ORDER as to Abu Bakari Tahiru The parties are directed to appear for a conference on Tuesday, 4/15/08 @ 4:40pm before the Hon. John G. Koeltl Time excluded from 3/6/08 until 4/15/08. So Ordered. (see attached order for the full text) (Signed by Judge John G. Koeltl on 3/6/08)(pr) (Entered: 03/06/2008)

03/06/2008		Set/Reset Hearings as to Abu Bakari Tahiru: Pretrial Conference set for 4/15/2008 at 04:30 PM before Judge John G. Koeltl. (pr) (Entered: 03/06/2008)
04/16/2008	<u>14</u>	SPEEDY TRIAL ORDER as to Abu Bakari Tahiru. The parties are directed to appear for a conference on 5/1/08 @ 4pm. Time excluded from 4/15/08 until 5/1/08. (see the attached order for the complete order for the complete text) (Signed by Judge John G. Koeltl on 4/15/08)(pr) (Entered: 04/16/2008)
04/16/2008		Set/Reset Hearings as to Abu Bakari Tahiru: Pretrial Conference set for 5/1/2008 at 04:00 PM before Judge John G. Koeltl. (pr) (Entered: 04/16/2008)
05/02/2008	<u>15</u>	SPEEDY TRIAL ORDER as to Abu Bakari Tahiru. The parties are directed to appear for a conference on Tuesday, 5/13/08 at 4:30 p.m. before the Honorable John G. Koeltl. The Court prospectively excludes the time from today until 5/13/08 in calculating the speedy trial date under 18 U.S.C. 3161. (Signed by Judge John G. Koeltl on 5/1/08)(bw) (Entered: 05/02/2008)
05/02/2008		Set/Reset Hearings as to Abu Bakari Tahiru: Pretrial Conference set for 5/13/2008 at 04:30 PM before Judge John G. Koeltl. (bw) (Entered: 05/02/2008)
05/14/2008	<u>16</u>	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Abu Bakari Tahiru. Time excluded from 5/14/08 until 5/30/08 as to Abu Bakari Tahiru(Pretrial Conference set for 5/30/2008 at 02:30 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 5/14/08)(jw) (Entered: 05/14/2008)
06/02/2008	<u>17</u>	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Abu Bakari Tahiru. Time excluded from 5/30/08 until 6/12/08 as to Abu Bakari Tahiru(Pretrial Conference set for 6/12/2008 at 02:30 PM before Judge John G. Koeltl.), ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Abu Bakari Tahiru. Time excluded from 5/30/08 until 6/12/08. (Signed by Judge John G. Koeltl on 5/30/08)(jw) (Entered: 06/02/2008)
06/12/2008	<u>18</u>	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Abu Bakari Tahiru. Time excluded from 6/12/08 until 6/18/08 as to Abu Bakari Tahiru(Pretrial Conference set for 6/18/2008 at 03:00 PM before Judge John G. Koeltl.) (Signed by Judge John G. Koeltl on 6/12/08)(jw) (Entered: 06/12/2008)
06/18/2008		Minute Entry for proceedings held before Judge John G. Koeltl: Arraignment as to Abu Bakari Tahiru (1) to Counts 1 and 2 held on 6/18/2008. Dft present w/atty Sabrina Shroff. AUSA Carrie Cohen and Crt rptpr present. Plea entered by Abu Bakari Tahiru (1) to Counts 1 and 2 of Not Guilty. (ja) (Entered: 07/31/2008)
06/18/2008		Minute Entry for proceedings held before Judge John G. Koeltl: Change of Plea Hearing as to Abu Bakari Tahiru held on 6/18/2008. Dft present w/atty Sabrina Shroff. AUSA Carrie Cohen and crt rptpr present. Dft changes plea of not guilty and pleads guilty to counts one and two of indictment. Sentence date set for 6/27/08. PSI ordered. Dft cont'd detained. (ja) (Entered: 07/31/2008)
06/18/2008		Change of Not Guilty Plea to Guilty Plea as to Abu Bakari Tahiru (1) to Counts 1 and 2. (ja) (Entered: 07/31/2008)
06/18/2008		Minute Entry for proceedings held before Judge John G. Koeltl: Plea entered by Abu Bakari Tahiru (1) Guilty as to Counts 1 and 2. (ja) (Entered: 07/31/2008)
06/18/2008		Order of Referral to Probation for Presentence Investigation and Report as to Abu Bakari Tahiru. (Signed by Judge John G. Koeltl on 6/18/08)(ja) (Entered: 07/31/2008)
06/27/2008		Minute Entry for proceedings held before Judge John G. Koeltl: Sentencing held on 6/27/2008 for Abu Bakari Tahiru (1) Count 1,2. [See Judgment filed on 7/7/08] (bw) (Entered: 08/01/2008)
06/30/2008	<u>23</u>	NOTICE OF APPEAL by Abu Bakari Tahiru from <u>22</u> Judgment. (NoA filed by the Federal Defenders of New York). (nd) (Entered: 08/04/2008)
07/07/2008	<u>22</u>	JUDGMENT In A Criminal Case. Date of Imposition of Judgment: 6/27/08. Defendant Abu Bakari Tahiru (1) pleaded guilty to Count(s) 1 and 2 of the Indictment. All open counts are dismissed on the motion of the United States. Imprisonment: Time Served, to run concurrently on Counts One and Two. The defendant is hereby released, pending no detainers, from the custody of the Bureau of Prisons and the United States Marshal. Supervised Release: 3 Years. -Supervised Release shall run concurrent on Counts One and Two. The above drug testing condition (see p.3 of judgment) is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Additional Supervised Release Terms (see p.3a of judgment). Assessment: \$200.00. Restitution: TBD. Special instructions regarding the payment of criminal monetary penalties: -The special assessment shall be due immediately. -Restitution shall be payable at the rate of 10% of the defendant's gross monthly income, commencing September 2008. (Signed by Judge John G. Koeltl on 7/2/08)(bw) (Entered: 08/01/2008)
07/07/2008		Judgment entered in money judgment book as #08,1409 as to Abu Bakari Tahiru in the amount of \$ 200.00, re: <u>22</u> Judgment. (dt) (Entered: 08/11/2008)
07/23/2008	<u>19</u>	TRANSCRIPT of Proceedings as to Abu Bakari Tahiru held on 6/27/08 before Judge John G. Koeltl. (ama) (Entered: 07/23/2008)
07/23/2008	<u>20</u>	TRANSCRIPT of Proceedings as to Abu Bakari Tahiru held on 6/27/08 before Judge John G. Koeltl. (ama) (Entered: 07/23/2008)
07/28/2008	<u>21</u>	TRANSCRIPT of Proceedings as to Abu Bakari Tahiru held on June 18 08@3:45pm before Judge John G. Koeltl. (jab) (Entered: 07/28/2008)

08/04/2008	Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Abu Bakari Tahiru to US Court of Appeals re: <u>23</u> Notice of Appeal - Final Judgment. (nd) (Entered: 08/04/2008)
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